



San Diego Unified
SCHOOL DISTRICT

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June 30, 2011

Honorable Judge Kevin A. Enright
Presiding Judge of the Superior Court
220 W. Broadway
San Diego, CA 92101

RE: Grand Jury Report: "Selecting Senior High School Photographers"

Dear Judge Enright:

The San Diego Unified School District ("District") has reviewed the Facts, Findings and Recommendations in the Grand Jury Report "Selecting Senior High School Photographers" received by the District on April 13, 2011 with respect to the findings and recommendations pertaining to matters under the control of the District. Pursuant to California Penal Code section 933(c), the following constitutes the response of the District and its Governing Board ("Board") to the findings and recommendations pertaining to matters under the control of the District.

RESPONSE TO FINDINGS

Finding #01: School administrators are not familiar with the procedures for awarding school photography contracts.

Response: The District agrees with this finding. (Penal Code §933.05(a)(1).) As a practical matter, even prior to the Grand Jury Report, the District has historically implemented, currently implements, or will be implementing generally accepted procurement methods where legally permissible and consistent with collective bargaining agreements. This is reflected in SDUSD Administrative Procedure 4938, Section C., para. 3.

Finding #02: The principal is responsible for everything that occurs at his/her school; however, it is necessary and prudent to delegate responsibility for certain activities to staff members as provided in the AP.

Response: The District agrees with this finding. (Penal Code §933.05(a)(1).) As a practical matter, even prior to the Grand Jury Report, the District has historically implemented, currently implements, or will be implementing generally accepted procurement methods where legally permissible and consistent with collective bargaining agreements. The District provides some authority at the site level in order to facilitate flexibility and responsiveness for student needs.

Finding #03: School administrators must follow established procedures for any activity involving financial matters, regardless of the amount or who pays.

Response: The District agrees with this finding. (Penal Code §933.05(a)(1).) As a practical matter, even prior to the Grand Jury Report, the District has historically implemented, currently implements, or will be implementing generally accepted procurement methods where legally permissible and consistent with collective bargaining agreements.

RESPONSE TO RECOMMENDATIONS

Recommendation 11-12: Ensures Administrative Procedures addressing any financial issue are reviewed and updated in a timely manner.

Response: This recommendation has already been and will be implemented as part of an ongoing process to review policies and administrative procedures for currency and legal compliance. Specifically, the Administrative Procedure in question was reviewed by the District's General Counsel when the Grand Jury Report was received. (Penal Code § 933.05(b)(1).) In fact, even prior to the Grand Jury Report, the District has employed and is employing generally accepted procurement methods. (Penal Code § 933.05(b)(2).) In addition, the District General Counsel met with High School Principals on May 5, 2011 to reinforce the Administrative Procedure. It will be raised again in August 2011 when administrators return to work.

Explanation: The District employs outsourcing, managed competition, reengineering, reverse auction programs, and piggybacking where appropriate and in conformance with the various statutory provisions governing the use of such procurement methods by a California school district and its collective bargaining agreements. In fact, the District (along with the County) received the 2010 award for Achievement of Excellence in Procurement from the National Purchasing Institute.¹ (See <http://www.npiconnection.org/home/index.asp>.) The award recognizes innovation, professionalism, e-procurement, productivity, and leadership attributes of a procurement organization. The District was one of 38 government agencies in California and one of 16 school districts in the United States to receive this prestigious award.

Recommendation 11-13: Requires senior high school principals to review all financial procedures before the start of each school year.

Response: This recommendation has already been implemented as to outsourcing in general and as to school photographers in particular on May 5, 2011. This will also be a topic upon the return of site administrators in August 2011.

Recommendation 11-14: Discusses the importance of following written procedures with all high school principals annually.

Response: This recommendation has already been implemented as to outsourcing in general and as to school photographers in particular on May 5, 2011. This will also be a topic upon the return of site administrators in August 2011.

Recommendation 11-15: Randomly and routinely audits senior high school principals' compliance with contract award procedures.

¹ In addition to the National Purchasing Institute, the award is sponsored by the California Association of Public Purchasing Officers, Institute for Supply Management, Florida Association of Public Purchasing Officers, National Institute of Governmental Purchasing, National Association of State Procurement Officials, National Association of Educational Procurement, and Texas Public Purchasing Association. Associate sponsors are the Airport Purchasing Group, U.S. Communities, the National Intergovernmental Purchasing Alliance, and Universal Public Purchasing Certification Council.

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Response: This recommendation has already been implemented as to outsourcing in general and as to school photographers in particular on May 5, 2011. This will also be a topic upon the return of site administrators in August 2011. Furthermore, the District charges its Area Superintendent to supervise High School Principals and maintains an Internal Audit Department which has the responsibility to provide audits of procedures. Both the Area Superintendents and the Internal Audit Department randomly and routinely audit compliance with contract award procedures.

Conclusion

On behalf of the Superintendent and Board of Education of the San Diego Unified School District, I thank you for your recommendations on ways to improve efficiency within a large urban school district to achieve savings for the taxpayers.

Sincerely,

A handwritten signature in dark ink, appearing to read "William A. Kowba", with a long horizontal flourish extending to the right.

William A. Kowba
Superintendent

WK:sc